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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 00-00183 DAE	FLY
	)		
Plaintiff,	)	FIRST SUPERSEDING	
	)	INDICTMENT	
v.	)		
	)		
JOAQUIN AGUILAR,	(01),	[21 U.S.C. §§ 841(a)(1),	
aka "Negro,"	)	843(b), 846; 8 U.S.C. §	
aka "Cacharpas,"	)	1326; 18 U.S.C. § 2]	
BRIAN PASCHOAL,	(02),		
PEDRO JIMINEZ,	(03),		
FERNANDO RIOS,	(04),		
LAURIE HORSWILL-SMITH,	(05),		
aka "Mola,"	)		
PUALANI HORSWILL,	(06),		
aka "Pua,"	)		
WENDY BETTIS,	(07),		
ROMEO ANTONIO CASTRO-AVALOS,	(08),		
aka "Antonio Perez,"	)		
aka "Tony,"	)		
aka "Salvadoran,"	)		
ISMAEL ROCHA-MANZANAREZ,	(09),		
aka "Ivan Leyva-Mansares,"	)		
aka "Mayelo,"	)		
FERMIN RIVERA,	(10),		
ALMA ROSIE RODRIGUEZ,	(11),		
aka "Rosie,"	)		
RAUL LNU,	(12),		

HIPOLITO LNU,	(13), )
aka "Poli,"	)
ALVARO LNU,	(14), )
aka "Guero,"	)
CARLOS GUERRERO,	(15), )
aka "Pepechin,"	)
CASEY SMYTHE,	(16), )
aka "K.C.,"	)
JOSE ACEVEDO-GASCA,	(17), )
	)
Defendants.	)
	)

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown, but from at least on or about May 1, 1999 to on or about May 3, 2000, in the District of Hawaii and elsewhere, the defendants JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," BRIAN PASCHOAL, PEDRO <sup>3</sup>JIMINEZ, FERNANDO RIOS, LAURIE <sup>4</sup>HORSWILL-SMITH, aka "Mola," PUALANI <sup>5</sup>HORSWILL, aka "Pua," WENDY <sup>6</sup>BETTIS, ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," ISMAEL ROCHA-MANZANAREZ, aka "Ivan Leyva-Mansares," aka "Mayelo," FERMIN <sup>10</sup>RIVERA, ALMA ROSIE <sup>11</sup>RODRIGUEZ, aka "Rosie," RAUL LNU, HIPOLITO LNU, aka "Poli," <sup>12</sup>ALVARO LNU, aka "Guero," CARLOS <sup>15</sup>GUERRERO, aka "Pepechin," CASEY <sup>16</sup>SMYTHE, aka "K.C.," and JOSE ACEVEDO-GASCA did conspire together with each other and with Felipe Ruiz-Castro, Francisco Mora-Garcia, Manuel Javier Rodrigues-Martinez, aka "Javier," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jose Luis Vasquez, Randall Ramelb, aka "Randy," Cheryl Yates, Martin Arreaga, aka "El Burro," aka "Manny," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Basilia Salamanca, Jesus

21:84 = CD.F  
Amplify

Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, Sabino Albarran, aka "Pelon," Antonio Mora-Garcia, aka "Tono," Pablo Romero, aka "Pablo Gilberto Romero-Flores," aka "Sonny," Adrian Barahona, aka "Cuevas," aka "Covachas," Thomas Marino, Sr., Ana Marino, Tomas Marino, Jr., Mona Hiiaca Huihui aka "Jiaca," Karla Kahau, Miguel Gaytan Perez, aka "Pato," Juan Hernandez, aka "Juan Luis," aka "Piolas," Isidro Lnu, aka "Michael Reyes," Victor Navarez, Gustavo Sanchez, Tracy Garcia Sanchez, Brian Joshua Jones, aka "El Tigre," Leroy Mollena, Arturo Flores, aka "El Bomba," Enrique Reyes, aka "Toribio," Guillermo Alvarez, aka "Willie," Leopoldo Castro-Lopez, aka "Polo," Salvador Castillo, aka "Chava," Holmar Hernandez, aka "Omar," Armando Montano Rodriguez, aka "Camote," aka "Teco," Robert Mahoney, Carlos Reyes-Castro, aka "Sergio," aka "Carlos," Eduardo Velasco, aka "Carlos Perez-Garcia," not defendants herein, and with other persons unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute cocaine, a Schedule II controlled substance, to distribute and possess with intent to distribute heroin, a Schedule I controlled substance, to distribute and possess with intent to distribute crystal methamphetamine - "ice," a Schedule II controlled substance, and to distribute and possess with intent to distribute marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

Ways and Means of Accomplishing the Conspiracy

1) The Ruiz-Mora drug distribution organization consisted of a group of individuals who obtained cocaine, heroin, crystal methamphetamine - "ice," and marijuana from the West Coast of the U.S. mainland, from Mexico and from Hawaii for distribution in Hawaii, and who distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana in Hawaii.

2) Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Fermin Pena and FERMIN RIVERA supplied cocaine and heroin to the co-conspirators named in this Indictment.

3) Jorge Casas, aka "Jorge Cano," aka "George," Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, and Leopoldo Castro-Lopez, aka "Polo," supplied crystal methamphetamine - "ice" to the co-conspirators named in the indictment.

a) Brian Paschoal and Victor Navarez supplied marijuana to the co-conspirators named in the indictment.

4) Various co-conspirators, acting as drug couriers, traveled between Hawaii and the West Coast of the United States and Mexico (a) to obtain and deliver cocaine and heroin supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto,

Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, FERMIN RIVERA, and others to the Ruiz-Mora drug distribution organization, and (b) to deliver United States currency to Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, FERMIN RIVERA and others in payment for the cocaine and marijuana.

5) Mona Hiiaca Huihui, aka "Jiaca," Karla Kahau, and Adrian Barahona, aka "Cuevas," aka "Covachas," traveled from Hawaii to the West Coast of the United States and Mexico for the purpose of obtaining cocaine and heroin for distribution in Hawaii.

6) Brian Joshua Jones, aka "El Tigre," and Eduardo Velasco, aka "Carlos Perez-Garcia," traveled from the West Coast of the United States to Hawaii to supply the Ruiz-Mora organization with cocaine, heroin, and crystal methamphetamine - "ice."

7) Co-conspirators Marcia Solano and Miriam Espinosa traveled from the West Coast of the United States to Hawaii for the purpose of delivering cocaine to Hawaii and carrying U.S. currency back to the West Coast of the United States.

8) In this way, Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, aka "The Man," Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cárdenas, Fermin Pena, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," and FERMIN RIVERA during the existence of the conspiracy, supplied and attempted to supply the Ruiz-Mora drug distribution organization with kilogram quantities of cocaine, ounces of heroin and pound quantities of crystal methamphetamine - "ice," for distribution in Hawaii.

9) Once cocaine, heroin, crystal methamphetamine - "ice," and marijuana, supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, FERMIN RIVERA and Fermin Pena, arrived in Hawaii, various members of the Ruiz-Mora drug distribution organization repackaged the quantities of cocaine, heroin, crystal methamphetamine - "ice," and marijuana into smaller quantities for distribution and distributed quantities of that cocaine, heroin, crystal methamphetamine - "ice," and marijuana in Hawaii to purchasers, usually in ounce and gram quantities.

10) Felipe Ruiz-Castro and Francisco Mora-Garcia used La Fogata Mexican Restaurant in Lahaina to store cocaine, heroin, crystal methamphetamine - "ice," and marijuana.

11) The co-conspirators distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana on Maui, Oahu, Kauai and the Island of Hawaii for cash.

12) The co-conspirators concealed the income and assets derived from the sale of controlled substances through the use of wire transfers of U.S. currency.

13) The co-conspirators used long distance telephone calls, telephone pagers and cellular telephones to arrange for the distribution of cocaine, heroin, crystal methamphetamine - "ice," and marijuana.

Overt Acts

In furtherance of and in order to accomplish the objects of this conspiracy, the defendants and their co-conspirators performed overt acts in the District of Hawaii and elsewhere, including but not limited to the following:

1. On or about May 19, 1999, Manuel Javier Rodrigues-Martinez, aka "Javier," distributed a quantity of heroin in Lahaina, Maui for \$2,800.

2. On or about August 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$1,000.

3. On or about November 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$3,000.

4. On or about December 10, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Marcia Solano and discussed a trip to Hawaii.

5. On or about December 13, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Basilia Salamanca and discussed the transportation of a quantity of cocaine from California to Hawaii by two women couriers.

6. On or about December 14, 1999, Francisco Servin-Soto, aka "Pancho," made a long distance telephone call from Pomona, California to Felipe Ruiz-Castro in Lahaina, Maui, Hawaii and discussed the purchase of airline tickets.

7. On or about December 14, 1999, Jessica Guzman-Soto called Marcia Solano, not a defendant herein, and discussed carrying a quantity of cocaine from California to Hawaii.

8. On or about December 15, 1999, Francisco Servin-Soto, aka "Pancho," drove Marcia Solano and Miriam Espinosa, not defendants herein, to Los Angeles International Airport.

9. On or about December 15, 1999, Marcia Solano and Miriam Espinosa, not defendants herein, transported approximately two pounds of cocaine on board a United Airlines flight to Kahului, Maui.

10. On or about December 16, 1999, Basilia Salamanca telephoned Francisco Servin-Soto, aka "Pancho," and

discussed the arrest of Marcia Solano and Miriam Espinosa by the police on Maui, Hawaii.

11. On or about December 22, 1999, Felipe Ruiz-Castro telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano by the police in Maui, Hawaii.

12. On or about December 27, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano and Miriam Espinosa in Hawaii and the payment of monies owed for the cocaine provided to Francisco Servin-Soto and transported to Maui, Hawaii by Marcia Solano and Miriam Espinosa.

13. On or about December 29, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed taking precautions to avoid apprehension by the police.

14. On or about January 9, 2000, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

15. On or about January 13, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

16. On or about January 18, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

17. On or about January 19, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

18. On or about January 25, 2000, Jesus Martin Reyes Mojardin, aka "The Man," telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

19. On or about January 25, 2000, Francisco Servin-Soto, aka "Pancho," telephoned Jessica Guzman-Soto and discussed the payment of monies to Jesus Martin Reyes Mojardin, aka "The Man," for the cocaine transported to Maui, Hawaii.

20. On or about February 9, 2000, ARMANDO MONTANO RODRIGUEZ, aka "Camote," aka "Teco," arranged a wire transfer of \$2,000 to Mexico.

21. On or about February 10, 2000, Jorge Casas, aka "Jorge Cano," aka "George," telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money from Hawaii to California.

22. On or about February 10, 2000, Felipe Ruiz-Castro instructed Sabino Albarran, aka "Pelon," to tell Adrian Barahona, aka "Cuevas," aka "Covachas," to prepare to travel to California.

23. On or about February 10, 2000, Adrian Barahona, aka "Cuevas," aka "Covachas," traveled to California carrying a large quantity of cash.

24. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Jorge Casas, aka "Jorge Cano," aka "George," and discussed the transport of a sum of money to California by an associate.

25. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Thomas Marino, Sr. and discussed the sale of a quantity of drugs.

26. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Ana Marino and discussed the sale of a quantity of drugs.

27. On or about February 11, 2000, Francisco Mora-Garcia telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money to California.

28. On or about February 14, 2000, Brian Joshua Jones, aka "El Tigre," traveled to Maui.

29. On or about February 15, 2000, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," called Felipe Ruiz-Castro on the telephone.

30. On or about February 24, 2000, Armando Montano Rodriguez, aka "Camote," aka "Teco," called Felipe Ruiz-Castro on the telephone.

31. On or about February 24, 2000, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," called Felipe Ruiz-Castro on the telephone.

32. On or about February 24, 2000, Sabino Albarran, aka "Pelon," distributed approximately eight ounces of cocaine.

33. On or about February 28, 2000, PEDRO JIMINEZ and FERNANDO RIOS transported approximately one ounce of crystal methamphetamine - "ice," and \$25,000 in U.S. currency to Phoenix, Arizona.

35. On or about February 29, 2000, Adrian Barahona, aka "Cuevas," aka "Covachas," transported approximately 50 grams of crystal methamphetamine - "ice," to Kona, Hawaii from Maui.

36. On or about March 22, 2000, Mona Hiiaca Huihui, aka "Jiaca," and Karla Kahau traveled to Las Vegas, Nevada to obtain a quantity of crystal methamphetamine - "ice."

37. On or about March 30, 2000, Mona Hiiaca Huihui, aka "Jiaca," and Karla Kahau carried approximately two pounds of crystal methamphetamine - "ice," through the Las Vegas, Nevada airport.

38. On or about April 16, 2000, Brian Joshua Jones, aka "El Tigre," transported approximately six kilograms of cocaine from California to Honolulu, Hawaii.

39. On or about April 27, 2000, Eduárdо Velasco, aka "Carlos Perez-Garcia," transported approximately 140 grams of crystal methamphetamine - "ice," from California to Kahului, Maui.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

21:843 Bz (D.F)

The Grand Jury further charges that:

On or about February 12, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 3

21:843 Bz (D.F)

The Grand Jury further charges that:

On or about February 12, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," knowingly and intentionally possessed

with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 4 ✓

The Grand Jury further charges that: 21:843B-CDF

On or about February 15, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant LAURIE HORSWILL-SMITH, aka "Mola," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 5 ✓

The Grand Jury further charges that: 21:843B-CDF

On or about February 15, 2000, in the District of Hawaii, Francisco Mora-Garcia, aka "Pancho," and defendant WENDY BETTIS used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 6 ✓

The Grand Jury further charges that: 21:843B-CD/F

On or about February 15, 2000, in the District of Hawaii, Felipe Ruiz-Castro and ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 7 ✓

The Grand Jury further charges that: 21:843B-CD/F

On or about February 15, 2000, in the District of Hawaii, defendant BRIAN PASCHOAL used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 8 ✓

21:843B-02.F

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 9 ✓

21:841A-02.F

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," knowingly and intentionally possessed with intent to distribute a quantity of cocaine.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 10 ✓

21:845B-02.F

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CASEY SMYTHE, aka "K.C.," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule

II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 11 ✓

The Grand Jury further charges that: 21:843B:CAF

On or about February 17, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant HIPOLITO LNU, aka 13 "Poli," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 12 ✓

The Grand Jury further charges that: 21:843B:CAF

On or about February 17, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant FERMIN RIVERA, used and 10 caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of marijuana, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 13

The Grand Jury further charges that:

On or about February 18, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ISMAEL ROCHA-MANZANAREZ, aka "Ivan Leyva-Mansares," aka "Mayelo," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 14

The Grand Jury further charges that:

On or about February 20, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 15 ✓

The Grand Jury further charges that: *21:443 B-CD-F*

On or about February 23, 2000, in the District of Hawaii, defendant BRIAN PASCHOAL used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 16 ✓

The Grand Jury further charges that: *21:443 B-CD-F*

On or about February 24, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 17 ✓

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1). *21:843B=CD.F*

All in violation of Title 21, United States Code, Section 843(b).

COUNT 18 ✓

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii and elsewhere, defendants PEDRO JIMINEZ and FERNANDO RIOS did knowingly and intentionally aid and abet each other in the possession with intent to distribute a quantity of crystal methamphetamine - "ice," in excess of 50 grams, to wit, approximately 58 grams of crystal methamphetamine - "ice," a Schedule II controlled substance. *21:841A=CD.F*

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 19 ✓

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CASEY SMYTHE, aka *10*

"K.C.," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 20 ✓

The Grand Jury further charges that:

On or about March 20, 2000, in the District of Hawaii, defendant ISMAEL ROCHA-MANZANAREZ, aka "Ivan Leyva-Mansares," aka "Mayelo," who had previously been denied admission, excluded, deported and removed was found in the United States having unlawfully reentered the United States without the consent of the Attorney General of the United States for reapplication by the defendant for admission into the United States.

All in violation of Title 8, United States Code, Section 1326.

COUNT 21 ✓

The Grand Jury further charges that:

On or about March 20, 2000, in the District of Hawaii, defendant ISMAEL ROCHA-MANZANAREZ, aka "Ivan Leyva-Mansares," aka "Mayelo," knowingly and intentionally possessed with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code,  
Section 841(a)(1).

COUNT 22 ✓

The Grand Jury further charges that:

On or about March 22, 2000, in the District of Hawaii,  
defendant PUALANI HORSWILL, aka "Pua," used and caused to be used  
a communications facility, that is, a telephone, in causing or  
facilitating the commission of a conspiracy to distribute a  
quantity of cocaine, heroin, crystal methamphetamine - "ice," and  
marijuana, all controlled substances, a felony under Title 21,  
United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 23 ✓

The Grand Jury further charges that:

On or about March 23, 2000, in the District of Hawaii,  
defendant CASEY SMYTHE, aka "K.C.," and Felipe Ruiz-Castro used  
and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a  
conspiracy to distribute a quantity of cocaine, heroin, crystal  
methamphetamine - "ice," and marijuana, all controlled  
substances, a felony under Title 21, United States Code, Section  
846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 24 ✓

The Grand Jury further charges that:

On or about March 27, 2000, in the District of Hawaii, defendant PUALANI HORSWILL, aka "Pua," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 25 ✓

The Grand Jury further charges that:

On or about April 4, 2000, in the District of Hawaii, defendant FERMIN <sup>10</sup> RIVERA and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 26 ✓

The Grand Jury further charges that:

On or about April 13, 2000, in the District of Hawaii and elsewhere, Felipe Ruiz-Castro and defendant FERMIN RIVERA,

used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 27 ✓

The Grand Jury further charges that:

On or about April 13, 2000, in the District of Hawaii and elsewhere, defendant FERMIN RIVERA and Felipe Ruiz-Castro <sup>10</sup> used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1). <sup>10</sup>

All in violation of Title 21, United States Code, Section 843(b).

COUNT 28 ✓

The Grand Jury further charges that:

On or about April 13, 2000, in the District of Hawaii and elsewhere, defendant FERMIN RIVERA and Felipe Ruiz-Castro <sup>10</sup> used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled

substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 29 ✓

The Grand Jury further charges that:

On or about April 13, 2000, in the District of Hawaii and elsewhere, defendant FERMIN RIVERA and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 30 ✓

The Grand Jury further charges that:

On or about April 14, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CARLOS GUERRERO, aka "Pepechin," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and possess with intent to distribute cocaine and crystal methamphetamine - "ice," Schedule II controlled substances, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 31 ✓

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii,  
Felipe Ruiz-Castro and defendant PUALANI HORSWILL, aka "Pua,"  
used and caused to be used a communications facility, that is, a  
telephone, in causing or facilitating the commission of a  
conspiracy to distribute and possess with intent to distribute  
cocaine and crystal methamphetamine - "ice," Schedule II  
controlled substances, and heroin, a Schedule I controlled  
substance, a felony under Title 21, United States Code, Section  
846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 32 ✓

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii,  
Felipe Ruiz-Castro and defendant ALVARO LNU, aka "Guero," used  
and caused to be used a communications facility, that is, a  
telephone, in causing or facilitating the commission of a  
conspiracy to distribute a quantity of cocaine, a Schedule II  
controlled substance, and heroin, a Schedule I controlled  
substance, a felony under Title 21, United States Code, Section  
846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 33 ✓

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii,  
Francisco Mora-Garcia, aka "Pancho," and defendant ROMEO ANTONIO  
CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran,"  
used and caused to be used a communications facility, that is, a  
telephone, in causing or facilitating the commission of a  
conspiracy to distribute a quantity of cocaine, a Schedule II  
controlled substance, and heroin, a Schedule I controlled  
substance, a felony under Title 21, United States Code, Section  
846.

21-8438-01?

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 34 ✓

The Grand Jury further charges that:

On or about April 16, 2000, in the District of Hawaii,  
Felipe Ruiz-Castro and defendant CARLOS GUERRERO, aka "Pepechin,"  
used and caused to be used a communications facility, that is, a  
telephone, in causing or facilitating the commission of a  
conspiracy to distribute a quantity of cocaine, a Schedule II  
controlled substance, and heroin, a Schedule I controlled  
substance, a felony under Title 21, United States Code, Section  
846.

21-8438-01?

15

All in violation of Title 21, United States Code,  
Section 843 (b) .

COUNT 35

The Grand Jury further charges that:

On or about April 16, 2000, in the District of Hawaii,  
Felipe Ruiz-Castro and ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio  
Perez," aka "Tony," aka "Salvadoran," used and caused to be used  
a communications facility, that is, a telephone, in causing or  
facilitating the commission of a conspiracy to distribute a  
quantity of cocaine, a Schedule II controlled substance, and  
heroin, a Schedule I controlled substance, a felony under Title  
21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843 (b) .

COUNT 36

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii  
and elsewhere, Felipe Ruiz-Castro and defendant ALMA ROSIE  
RODRIGUEZ, aka "Rosie," used and caused to be used a  
communications facility, that is, a telephone, in causing or  
facilitating the commission of a of a conspiracy to distribute  
cocaine, heroin, crystal methamphetamine - "ice," and marijuana,  
all controlled substances, a felony under Title 21, United States  
Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843 (b) .

COUNT 37

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant BRIAN PASCHOAL used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

21-843-B-OP  
2

All in violation of Title 21, United States Code, Section 843(b).

COUNT 38

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant PUALANI HORSWILL, aka "Pua," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

21-843-B-OP  
2

All in violation of Title 21, United States Code, Section 843(b).

COUNT 39 ✓

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii,  
Felipe Ruiz-Castro and defendant RAUL LNU used and caused to be  
used a communications facility, that is, a telephone, in causing  
or facilitating the commission of a conspiracy to distribute a 21:843B-1D.F  
quantity of cocaine, a Schedule II controlled substance, and 12  
heroin, a Schedule I controlled substance, a felony under Title  
21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 40 ✓

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii 21:843B-1D.F  
and elsewhere, Felipe Ruiz-Castro and defendant FERMIN RIVERA 10  
used and caused to be used a communications facility, that is, a  
telephone, in causing or facilitating the commission of a  
conspiracy to distribute cocaine, heroin, crystal methamphetamine  
- "ice," and marijuana, all controlled substances, a felony under  
Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code,  
Section 843(b).

COUNT 41

The Grand Jury further charges that:

On or about April 20, 2000, in the District of Hawaii, 21:843B-1D.F  
defendant CASEY SMYTHER, aka "K.C.," and Francisco Mora-Garcia, 14

aka "Pancho," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuána, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 42 ✓

The Grand Jury further charges that:

On or about April 20, 2000, in the District of Hawaii, defendant PUALANI HORSWILL, aka "Pua," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 43

The Grand Jury further charges that:

On or about April 21, 2000, in the District of Hawaii, defendant CASEY SMYTHE, aka "K.C." and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine

- "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 44 ✓

The Grand Jury further charges that:

On or about April 22, 2000, in the District of Hawaii, defendant ALVARO LNU, aka "Guero," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 45

The Grand Jury further charges that:

On or about April 29, 2000, in the District of Hawaii, Francisco Mora-Garcia, aka "Pancho," and defendant BRIAN PASCHOAL used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of marijuana, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 46 ✓

The Grand Jury further charges that:

On or about May 4, 2000, in the District of Hawaii,  
defendants CARLOS GUERRERO, aka "Pepechin," and JOSE ACEVEDO-  
GASCA did knowingly and intentionally possess with intent to  
distribute approximately one ounce of cocaine, a Schedule II  
controlled substance.

All in violation of Title 21, United States Code,  
Section 841(a)(1) and Title 18, United States Code, Section 2.

DATED: 5/25/00, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY

  
\_\_\_\_\_  
STEVEN S. ALM  
United States Attorney  
District of Hawaii

  
\_\_\_\_\_  
ELLIOT ENOKI  
First Assistant U.S. Attorney

  
\_\_\_\_\_  
THOMAS MUEHLECK  
Assistant U.S. Attorney

United States v. Joaquin Aguilar, et al.  
First Superseding Indictment  
Cr. No. 00-00183 DAE